

**MISSISSIPPI WIRELESS COMMUNICATION COMMISSION**

**August 6, 2009 Meeting Minutes**

Place: MDOT Auditorium

**Commission Members Present:**

**MS Department of Corrections  
MS Emergency Management Agency  
MS National Guard  
MS Association of Supervisors  
MS Department of Environmental Quality  
MS Department of Transportation  
MS Association of Fire Chiefs  
MS Office of Homeland Security  
MS Department of Information Technology Services  
MS Department of Health  
MS Municipal League**

**Chris Epps  
Mike Womack  
William L. Freeman  
Steve Gray  
Keith Harkins  
Willie Huff  
Tom Lariviere  
Jay Ledbetter  
David Litchliter  
Mike Lucius  
Quincy Mukoro**

**Advisory Members Present:**

**Chairman - House Public Utilities Committee  
Vice Chairman - House Public Utilities Committee  
Vice Chairman – Senate Public Utilities Committee**

**Representative Tyrone Ellis  
Representative Ray Rogers  
Senator Nickey Browning**

Chairman Epps called the meeting to order at approximately 1:30 PM and welcomed everyone.

Chairman Epps called for a motion to approve the minutes of the July 2, 2009, meeting. Mike Womack made the motion and it was seconded by Jay Ledbetter. Chairman Epps then called for a motion to approve the minutes of the July 24, 2009 Teleconference. David Litchliter made the motion and it was seconded by Willie Huff. Both motions passed with none opposed.

Chairman Epps recognized Keith Harkins to report for the Procurement Review Committee. Mr. Harkins reported that one request from DeSoto County came before the Committee this month for mobile data modems and for radio IP software for the total amount of \$109,200.00. The Committee approved. Full commission approval is not required. The report was presented for information to the Commission.

Willie Huff reported for the Governance/Interoperability Committee. They continue to have technical reviews with the PSIC applicants. So far, approximately fifty (50) letters have been received, thirty-seven (37) technical reviews have been done, and there are about fifteen (15) more technical reviews to be done. The Governance/Interoperability Committee met on July 29, 2009, and approved \$1,493,952.00 in grant funds for nine (9) jurisdictions. That information was also provided to the Commission as a handout. The Committee postponed acting on two (2) applications pending submittal of additional information. Another meeting of the Governance/Interoperability meeting will be scheduled during the last full week of August to receive and review other applications.

Chairman Epps recognized Bill Roach to discuss the emergency purchase authorization for construction of up to 7 towers. Mr. Roach noted that we had been proceeding on a schedule to have all of Phase 1 and a lot of Phase 2 of the Project completed by late this fall. Motorola is building some of the towers. We have had a build-to-suit vendor in Phase 1 build some of the towers as well. As discussed in prior Commission Meetings, ITS had issued another RFP for build-to-suit contractors for towers to the north of here. That RFP was contested by a vendor and the Commission determined to rebid that RFP. So that we will not lose a significant amount of time in building out towers in the area right around Jackson, to the east of Jackson on I-20 over to about the Morton area; west on I-20 to Vicksburg; north on I-55 to the Pickens area and across 49N over to the Lake Providence area, we have done an Emergency Purchase to award six (6)

towers in that area to Towers of Mississippi. Also added to that is a tower for the Highway Patrol Dispatch Center in Harrison County which is a new center expected to open in October. A tower was needed there to link their dispatch into the system. Initially we will be leasing the six (6) towers from Towers of Mississippi and will own the tower at the Highway Patrol. Commissioner Epps approved that Emergency Purchase. We are bringing the approval to the Commission for notification. Emergency Purchase regulations require that notification be in the minutes of the first Commission meeting after being executed by the Executive Director.

Chairman Epps recognized Bill Roach to give the Commission a MSWIN Project Update. Mr. Roach reported that the project is running a little behind the escalated hurricane season schedule. Initially we expected to be completely in Wide Area Trunking from Jackson to the Coast by June. That didn't happen and it looks like it will probably be September before we have all those sites up and running. There are a number of reasons including some Environmental Historical Preservation issues with the site in Adams County. We had to do a balloon test with the Natchez Trace Administration allowing them to drive up and down the Trace to see how high the tower is going to be. We passed that test and now we have to go through zoning in Adams County. We have about a mile long power run in the Utica area where we had some trouble because one of the landowners lives in Seattle. We had trouble getting the right-of-way for the power company. Working on issues like these has kept us from being as timely as we had hoped.

As stated last month, we have converted the site on the top of the Sillers Building over to MSWIN. Now if you are driving from Jackson toward the coast, you have portable hand held radio coverage from north of Madison to Piney Woods. Coverage drops at Piney Woods and picks back up just north of Mendenhall. On mobile, you have coverage almost all the way. This will not have a negative effect if we have a hurricane event because we could always stand up a SOW in the middle in order to get that coverage.

Mr. Roach made a handout available showing the allocation of the first \$20M received from FEMA. As was reported several months ago, the first \$20M was released and we spent about \$8M of it. FEMA instructed us last week to not spend any more until the FEMA Office of Historical and Environmental Preservation (EHP) had reviewed all of the NEPAs. In order to get an FCC License for a tower, submission of a document showing our compliance with the National Environmental Protection Policy Act of 1969 is required. We have complied with this requirement with all our towers but apparently there are three or four items that the FEMA EHP requires that the DHS Grant and the FCC do not require. We have to go back to the 44 sites in Phase 1 and the 13 sites in Phase 2 and amend our NEPA documentation, take pictures of all the ground disturbances done over the past year and a half or so and send them to FEMA. We are in the process of putting that information together now. It will take a few weeks to get that done. FEMA would not give us a commitment as to how quickly they would turn it around but said they would be prudent.

FEMA came here on Monday and gave us guidance on the \$100M dollar allocation approved last session by Congress and signed by the President in June. They will probably start working on that in October. It will probably be the end of the year of first quarter next year before we see those funds.

The Bond Commission met last week and approved the issuance of the \$35M bonds that the Mississippi Legislature approved last session. The bonds will not be sold until the October time frame so the Bond Commission also approved short term borrowing against the bonds to give us needed funding before October.

Mr. Litchliter asked if this means that we cannot spend any more of the Federal Grant funds which we currently have until we get the approvals on the new NEPAs and the guidance on the \$100M. That is the case. Chairman Epps noted that it is important that the Commission understand that this will slow the build-out of the project.

Mr. Roach stated that what the FCC requires, and what we did, for each tower build site is very extensive. It includes contacting every Indian Tribe which was in the state to see if they had religious sites here, have geo-techs done, and get a letter from the US Fish and Wildlife Service stating that we are not going to disturb any endangered species. Some of the things the FCC does not require that the FEMA EHP does require are:

1. Effect of whatever we are doing on air quality
2. Effect of noise
3. Effect on environmental justice - ensuring that we are not building a tower site in an underprivileged area as opposed to a privileged area just because the land could be purchased at lower cost.

We do not think these will be major obstacles but will have to document our response by writing a paragraph explaining each of the items, provide it to FEMA, and get them to review it along with the photographs of each site's ground disturbance.

Chairman Ellis asked if this is all a part of the \$100M dollar supplemental money bill or a standing policy procedure. Mr. Roach answered that it appears to be a standing FEMA policy for any construction, whether towers or buildings. Noting that no waiver is allowed regardless of how it slows down our project, Chairman Ellis asked, with the \$100M forthcoming, and the \$35M you're going to begin to execute now, how will that interact when you do get the authority to spend from the \$100M?

Mr. Roach stated that when the project started, FEMA allowed us to pay for deliverables out of the Bond Fund and then reimburse the Bond Fund with the FEMA money when it was released. We hope to do that again but there must not be any supplanting budgeted state funds with federal funds.

Mr. Womack said that one of the most frustrating things MEMA has had to deal with over the last three or four years is the fact that FEMA will not accept other environmental assessments and other agencies will not accept FEMA's environmental assessments. This needs to be fixed at the national level. Chairman Ellis asked if this was duplication and Mr. Womack concurred noting that it would be necessary for Congress to pass a law that one environmental assessment would suffice for all.

Mr. Lucius asked if he understood that Mr. Roach had indicated that we might need short term borrowing to give us some funding during the period of time we are waiting for approvals from FEMA. If that is true, would we not need to amend our resolution that went before the Bond Commission to reflect that since it was not in the initial resolution? Mr. Roach noted that during the Bond Commission meeting, the Bond Commission actually made a motion to allow a combination of short term borrowing and issuance of state bond for the \$35M dollars. Serena Clark representing the Governor's Office who was also present at the Bond Commission meeting, David Litchliter, and Willie Huff stated that since the Bond Commission suggested it and approved it, there was no need to amend our resolution.

Chairman Epps asked how things went at the National Governors Association in Biloxi. Mr. Roach asked Donald Loper with the Department of Public Safety to comment. Mr. Loper stated that they used just under 350 radios during the event. We took down two of the SOWS. One placed at the Beau Rivage, and one at the Coliseum to provide in-building coverage. Consoles were set up at the Biloxi Police Department for joint operations. He thought everything went very well.

Mr. Litchliter provided a report on the monthly expenditures. He noted that current monthly expenses were a little over \$1M dollars with \$800K paid to Motorola and the rest spent on operating expenses and contracts. We have \$12M dollars in federal funds and are waiting for permission to spend a \$20M dollar federal grant. We are also waiting for permission to spend a \$100M dollar federal grant. We expect to guidance and more information on that grant by around the first of the year 2010. We are currently holding just short of \$10M dollars worth of invoices

which are not reflected in the expenses and which will be paid as we get access to new bond money. We have spent almost \$37M so far on the project, not counting the \$10M which we currently owe. Mr. Litchliter then addressed the renewal of consulting contracts for BGA, Bill Buffington, and Tamra Grimes. There are no changes in rates, they are the same as was approved before and we will just be continuing what we have been doing with the same consultants with your approval.

Mr. Womack stated that if it requires a motion and vote, he motioned that we continue the contracts and ask if we can put together a breakdown of all our recurring salaries, contracts, etc, that could be reviewed at the next meeting. Chairman Ellis also asked that that information be included in the package for the next meeting. Mr. Litchliter said he would gladly provide that information. Mr. Roach gave an overview of the numbers for the contracts:

Tamra Grimes - \$40 per hour not to exceed 24 hours per week/52K per year

Bill Buffington - \$90 per hour not to exceed 2500 hours per year/225K per year

BGA - \$170 per hour not to exceed \$990,900.00 per year. These contracts would be extended for one year. The motion was seconded by Willie Huff and passed with none opposed.

Chairman Epps called for any other business. Mr. Womack commented that he and Mr. Buffington had been discussing Louisiana and how they handle their yearly maintenance fees. They had also talked to the State Emergency Management Director in Arkansas. These states handle their yearly maintenance fees with appropriations from their general fund. They pick up the entire maintenance fees because they both found it was the only way local governments were willing to get onto the systems. We have a Revenue Committee starting to meet but that is something we have got to address if we are going to move forward.

Mr. Roach introduced the new Project Director on our Motorola Project, Mr. Bob Busch. Ms. Vergia Burrell has accepted another position with Motorola in Missouri. Chairman Epps welcomed Mr. Busch who stated that he looks forward to continuing to work with the state.

The next meeting will be September 3, 2009, in the MDOT Auditorium at 1:30 PM.

Willie Huff made a motion to adjourn and Tom Lariviere seconded the motion. The motion passed with none opposed.

Meeting adjourned at approximately 2:05 PM.